

Central Intelligence Agency



Washington, D.C. 20505

9 October 2019

Ms. Emily Crose
MuckRock News
DEPT MR 65433
411A Highland Avenue
Somerville, MA 02144-2516

Reference: F-2019-00650

Dear Ms. Crose:

On 4 October 2019 we received your 24 September 2019 letter asking for the status concerning your 11 December 2018 Freedom of Information Act request for **all records associated with Donald R. Cryer, CIA trailblazer from 2014 who recently died in June of 2018 [and] all records associated with Mr. Cryer's activity while with the agency to include any information related to his work on diversity while with the agency.**

Our records indicate that on 29 January 2019 we required additional information concerning this request, and would close your request in the event that we did not receive a response. We are enclosing a copy of our letter in the event that you did not receive it.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Lilly".

Mark Lilly
Information and Privacy Coordinator

Enclosure



Washington, D.C. 20505

29 January 2019

Ms. Emily Crose
MuckRock News
DEPT MR 65433
411A Highland Avenue
Somerville, MA 02144

Reference: F-2019-00650

Dear Ms. Crose:

On 12 December 2018, the office of the Information and Privacy Coordinator received your 11 December 2018 Freedom of Information Act (FOIA) request for **all records associated with Donald R. Cryer, CIA trailblazer from 2014 who recently died in June of 2018 [and] all records associated with Mr. Cryer's activity while with the agency to include any information related to his work on diversity while with the agency.** We have assigned your request the reference number above. Please use this number when corresponding so that we can identify it easily.

Although you have provided some of the identifying information required before we can effectively search our files on an individual, we still need additional data before we can begin processing your request. Without this data, we may be unable to distinguish between individuals with the same or similar names. Specifically, we **require** the individual's:

☐ *Full name*

☒ *Date and place of birth*

☒ *Date and Place of death*

☒ *Evidence of death*

☐ *Living party signed affidavit: Freedom of Information Act-Certification of Identity Form and copy of Code of Federal Regulations Vol. 32§ 1900.32(b) information (enclosed).*

If the individual is deceased, we also require some *evidence of death*, such as a death certificate, an obituary, or a press statement to ensure there are no privacy considerations. A website link in itself does not satisfy the proof of death requirement. Please provide the actual documentation and source. Proof of death is not required if date of birth is 100 years ago or greater.

Agency regulations encourage requesters seeking information on *living* third parties to provide a signed affidavit or declaration from the third parties waiving all or some of their privacy rights. We can search without this authorization, but if we locate responsive records, privacy concerns may require us to protect the information from release.

FOIA exemption (b)(6) requires us to protect information “the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” In reaching this determination, we use the test our regulations outline at 32 CFR § 1900.32(b): “the Agency will balance the privacy interests that would be compromised by disclosure against the public interest in release of the requested information.” Therefore, the waiver will assist us with this determination.

Additionally, we are unable to process your request in its current form because it is too broad and requires additional information by you for us to conduct a reasonable search as required under the FOIA 5 U.S.C 552(a)(3)(A). As set forth in the FOIA, a proper FOIA request must “reasonably describe” the records sought. Pursuant to CIA’s FOIA regulations, set forth at 32 CFR Part 1900, “reasonably described” means that the records must be described sufficiently to enable professional employees familiar with the subject matter to locate responsive information with a reasonable amount of effort.

While we can accept a search for records on **any information related to his work on diversity while with the agency**, the portion of your request that asks for, **all records associated with Mr. Cryer’s activity while with the agency** is too broad. For example, we can search for information that are identifiable by a date or at a precise location within a specific date range. We can search if you describe a specific activity of Mr. Cryer’s—such as you did with his diversity efforts—within a date range, and we can search for biographic reports on specific individuals within a date range. For example, which part of his career at the agency are you interested in that you seek records on? We suggest that you describe exactly what it is you wish to obtain in your request on that specific topic. We always recommend that you provide a reasonable narrowed date range.

Please be advised, the FOIA authorizes federal agencies to collect fees for records services. Based on the information provided in your letter, we determined that your request falls into the “all other” fee category, which may require you to pay applicable search and copying fees (if any exist) beyond the first 100 pages of reproduction and the first two hours of search time, which are free. Copies are ten cents per page. We note your agreement to pay up to \$100.

If we do not hear from you by 03 April 2019, we will close your request as it is not reasonably described.

Please send requested information to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, DC 20505

If you prefer to fax in your information, our facsimile is 703-613-3007.

Sincerely,

A handwritten signature in black ink, appearing to read 'Allison Fong', with a long horizontal flourish extending to the right.

Allison Fong
Information and Privacy Coordinator